

PROPOSED CHANGE TO HR ☐
NONOFFICIAL PUBLICATIONS AND ORAL PRESENTATIONS
BY EMPLOYEES AND FORMER EMPLOYEES

STAT

1. Add a new paragraph b(8):
(8) Questions that cannot be resolved by the members of the Board will be decided by the Information Review Committee (IRC) prior to final Board approval (see paragraph c(4) below).
2. Renumber paragraphs b(8) and b(9) as b(9) and b(10).
3. In the renumbered paragraph b(9), delete the word "Board's".
4. Add a new sentence at the end of paragraph c(4):
If the Board is unable to reach a unanimous decision as to the classification of information in the submission or the specific deletions to be made, the chairman will submit the unresolved questions to the IRC for decision. The executive secretary of the IRC will return its decision to the Board for implementation.
5. In the first line of paragraph c(5), change "of the Board" to "from the Board".

PUBLIC AFFAIRS

HR

STAT

2. NONOFFICIAL PUBLICATIONS AND ORAL PRESENTATIONS BY EMPLOYEES AND FORMER EMPLOYEES

SYNOPSIS. This regulation reflects establishment of the Publications Review Board and sets forth policy, responsibilities, and procedures that govern the submission and review of nonofficial publications and oral presentations by current and former employees.

a. GENERAL

- (1) The National Security Act of 1947, as amended, and Executive Order 12036, as amended, require the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure. Executive Order 12065 requires protection of classified information from unauthorized disclosure. Agency employees are required to sign a secrecy agreement whereby they assume a contractual obligation to protect certain categories of information from unauthorized disclosure. The fact that an employee or former employee has had access to information whose unauthorized disclosure can harm the national security imposes special obligations upon these persons.
- (2) Based on the above obligations and responsibilities, this regulation requires that all Agency employees (as defined by HR) and former employees submit for prior review by the Central Intelligence Agency all materials (defined in paragraph b(2) below) intended for nonofficial publication or oral presentation. This regulation also establishes standards for approval by the Publications Review Board.

b. POLICY

- (1) The Publications Review Board (hereafter the Board) is hereby established to review nonofficial writings and oral presentations to determine whether or not they contain information as defined in paragraphs 2b(3)(a) through (d) and 2b(5) below. The Board consists of the Director of Public Affairs, chairman, and representatives from the Directorate of Operations, the Directorate of Administration, the Directorate of Science and Technology, the National Foreign Assessment Center, the Office of Security, and the Central Cover Staff. The Office of General Counsel provides a legal adviser. The Board shall meet as required at the call of the chairman to ensure that the provisions of this regulation are met.
- (2) Agency employees and former employees under the terms of their secrecy agreements must submit for review by the Board all writings and scripts or outlines of oral presentations intended for nonofficial publication*, including works of fiction, which make any mention of intelligence data or activities, or contain data which may be based upon information classified pursuant to law or Executive order. Submission to the Board will be made prior to disclosing such information to anyone who is not authorized by the Agency to have access to it. The responsibility is upon the employee or former employee to learn from the Agency whether the material intended for publication fits the description set forth in this paragraph. No steps will be taken toward publication until written permission to do so is received from the Board.
- (3) For current employees, the Board may deny approval for nonofficial publication or oral presentation of any information obtained during the course of employment with the CIA which has not been placed in the public domain by the U.S. Government, and which is in any of the following categories:
 - (a) That which is classified pursuant to law or Executive order.
 - (b) That which is classifiable pursuant to law or Executive order but which, because of operational circumstances or oversight, is not formally classified by designation and marking.
 - (c) That which identifies any person or organization that presently has or formerly has had a relationship with a United States foreign intelligence organization, which relationship the U.S. Government has taken affirmative measures to conceal.

*"Publication" means communicating information to one or more persons.

Revalidated: 24 April 1980 (1285)

3

STAT

HR

PUBLIC AFFAIRS

- (d) That which reasonably could be expected to impair the employee's performance of duties or interfere with the authorized functions of the Central Intelligence Agency, to include, for example, information which could have a serious adverse impact on the foreign relations or security of the United States.
- (4) Approval will not be denied solely because the subject matter may be embarrassing to or critical of the Agency.
- (5) In the case of former employees, the Board will be governed in each case by the provisions of a former employee's Secrecy Agreement in applying the criteria in paragraphs b(3)(a), (b), and (c) above.
- (6) The Board will attempt to complete its review of manuscripts of writings and oral presentations within 30 days.
- (7) Authors who are directed to delete material in accordance with this regulation are required to submit their revisions to the Board for final approval.
- (8) Authors may appeal the Board's final decision to the Deputy Director of Central Intelligence (see paragraph c(5) below).
- (9) Approval for publication or oral presentation does not represent Agency endorsement or verification of, or agreement with, the subject matter. Consistent with cover status, authors are encouraged to use the following disclaimer: "This material has been reviewed by the CIA to assist the author in eliminating classified information; however, that review neither constitutes CIA authentication of factual material nor implies CIA endorsement of the author's views."

c. RESPONSIBILITIES AND PROCEDURES

- (1) Present employees will submit writings and scripts or outlines of oral presentations through the responsible Deputy Director or Head of Independent Office to the Board. If a Deputy Director or Head of Independent Office determines that the material does not contain information described in paragraph b(3) above, he or she may decide that review by the Board is unnecessary and may authorize public release of the material. Employees may elect to make submission directly to the chairman of the Publications Review Board for determination of the necessity for Board review.
- (2) Former employees will submit writings and scripts or outlines of oral presentations to the Office of General Counsel, which will forward them to the Board and subsequently notify the former employee of the Board's findings. The General Counsel or designee will act as spokesperson for the Board in all communications with former employees.
- (3) Should a present employee learn that a present or former employee is preparing a writing or an oral presentation that may contain information requiring Agency approval for public release, he or she is requested to advise the Board, which will be responsible for reminding the individual of the obligation to submit the material for Agency review.
- (4) The chairman will ensure that each member of the Board has reviewed one copy of the submission and returned it to the chairman with a recommendation. If the Board unanimously decides that it is unobjectionable under the standards and criteria listed above, the chairman will notify the author through the appropriate channels. If any member of the Board objects to publication or oral presentation, the matter will be resolved at a Board meeting.
- (5) Authors who wish to appeal decisions of the Board should address such appeals in writing to the Deputy Director of Central Intelligence (DDCI), accompanied by the manuscript the author wishes the DDCI to consider and any supporting materials. Appeals are to be submitted directly to the Inspector General or, in the case of former employees, to the General Counsel, who will forward them to the Inspector General. The Inspector General will review the data provided by both the author and the Board and will forward the material and his recommendation to the DDCI. The DDCI will then issue a final determination. Every effort will be made to complete the appeal process within a 30-day period.

/s/

Deputy Director of Central Intelligence